

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JIMMY LEE VERNON, JR.,

Plaintiff,

v.

METROPOLITAN LIFE INSURANCE
COMPANY; KAITLYN CRAWFORD;
BRENDA KOLOGY; JOHN AND JANE
DOES 1-5,

Defendants.

No. 2:23-cv-1829 DJC AC PS

ORDER

Plaintiff is a state prisoner proceeding in pro per. The matter was referred to a United States Magistrate Judge pursuant to Local Rule 302(c)(21).

On April 29, 2024, the Magistrate Judge filed findings and recommendations herein which were served on Plaintiff and which contained notice to Plaintiff that any objections to the findings and recommendations were to be filed within twenty-one days. ECF No. 28. Plaintiff has filed objections to the findings and recommendations. ECF No. 30. Defendants have filed a response to the objections to the findings and recommendations. ECF No. 31.

The Court has reviewed the file and finds the findings and recommendations to be supported by the record and by the Magistrate Judge's analysis. Accordingly, IT IS

HEREBY ORDERED that:

1. The findings and recommendations filed April 29, 2024, are adopted in full;
2. The motion to dismiss at ECF No. 18 is GRANTED and the motion at ECF No. 24 is VACATED and construed as a reply brief;
3. The first amended complaint (ECF No. 9) is DISMISSED; and
4. Plaintiff is given 30 days to file an amended complaint bringing claims under ERISA.
5. This matter is referred back to the Magistrate Judge for all further pretrial proceedings.

IT IS SO ORDERED.

Dated: June 7, 2024


Hon. Daniel J. Calabretta
UNITED STATES DISTRICT JUDGE